

United States Bankruptcy Court
for the District of Oregon

Frank R. Alley, III, Judge
Barbara D. Ivey, Judicial Assistant
Lee D. Brice, Law Clerk



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March 26, 2008

Jose and Noshia Reyes
701 Western Ave., Apt. 339
Medford, OR 97501

Case No: 08-60610-fra7

Dear Mr. and Mrs. Reyes:

I am writing in response to your objection to the court's "Notice of Intent to Not Grant the Debtors a Discharge." The grounds given by the court are that you received a discharge in a previous chapter 7 case filed within eight years of your present case. As I will explain, the court's grounds for denial of a discharge are correct.

The Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) made widespread changes to the Bankruptcy Code, most of which were effective for bankruptcy cases filed on or after October 17, 2005. Code § 727(a)(8) contains one such change, effective for cases filed on or after October 17, 2005. That provision now states that a debtor cannot receive a discharge in a chapter 7 case if that debtor received a discharge in a previous chapter 7 case which had been filed within eight years of the filing date of the present case. Prior to BAPCPA, the number of years between cases was six.

Since your present chapter 7 case was filed March 3, 2008, after the effective date of BAPCPA, you are subject to the changes made to the Bankruptcy Code by BAPCPA, including the change to eight years found in Code § 727(a)(8). You cannot receive a discharge in your present, post-BAPCPA, case because your previous chapter 7 case was filed within eight years of your present case.

An order will be entered overruling your objection.

Very truly yours,

A handwritten signature in black ink, appearing to read "Frank R. Alley, III".

FRANK R. ALLEY, III
Bankruptcy Judge